



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,554	12/04/2000	Ralf Klintz	47953DIV	3214

7590

03/27/2002

Herbert B. Keil
KEIL & WEINKAUF
1101 Connecticut Avenue, N.W.
Washington, DC 20036

EXAMINER

LIU, HONG

ART UNIT

PAPER NUMBER

1624

DATE MAILED: 03/27/2002

13

Please find below and/or attached an Office communication concerning this application or proceeding.

BEST AVAILABLE COPY



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

BEST AVAILABLE COPY

Art Unit: 1624

DETAILED ACTION

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 1935 Comm'r Dec. 11 (1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on February 8, 2002 has been entered.

In the RCE, applicants have provided US 6,251,828 for the Examiner to consider. The Examiner noticed that claim 1 of '828 contains overlapping subject matter with claim 1 of the present application. Because the information regarding the effective filing data of the present application is unclear in relation to the effective filing of the patent, a declaration of interference may be appropriate. Applicants are required to certify their earliest filing date.

The following subject matter from U.S. Patent No. 6,251,828 appears to interfere:

a compound of formula (I), wherein R6 represents one of the groupings below C(R7,R8)-C(R7R8)-R9 or -C(R7)=C(R8)-R9.

In an Interference with a patent, claim 1 of the patent usually becomes Count 1 of the Interference. Applicants should copy, in an independent claim, as much of claim 1 of the patent they wish to be enjoined with.

BEST AVAILABLE COPY

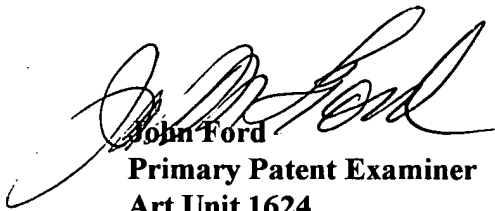
Art Unit: 1624

The copied claim will be said to correspond substantially to the Count.

Applicant is given ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this communication to copy a patent claim. Failure to do so will be considered a concession that the subject matter of this claim is the prior invention of another under 35 U.S.C. 102(g), and thus also prior art under 35 U.S.C. 103(a) (In re Oguie, 517 F.2d 1382, 186 USPQ 227 (CCPA 1975)), but will not result in the abandonment of this application. THE PROVISIONS OF 37 CFR 1.136 DO NOT APPLY TO THE TIME SPECIFIED IN THIS ACTION.

Any inquiry concerning this communication should be directed to Examiner Hong Liu whose telephone number is (703) 306-5814. The examiner can normally be reached on Monday through Friday from 8:30 AM to 6:00 PM. If attempts to reach the examiner by the phone are unsuccessful, the examiner's supervisor, Mukund Shah can be reached at (703) 308-4716. The fax phone number for this group is (703) 308-4734 for "unofficial" purposes and the actual number for **official** business is (703) 308-4556. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose number is (703) 308-1235.

hl
March 20, 2002


John Ford
Primary Patent Examiner
Art Unit 1624
Acting SUPERVISORY PATENT EXAMINER
ART UNIT 1624

BEST AVAILABLE COPY